**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.19974 of 2007**

**Dated:17.04.2007**

**Between:**

Pabbineedi Venkateswara Rao.

…Petitioner

and

The Commissioner, Endowments, Hyderabad, and others.

…Respondents

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**ORDER:**

The petitioner is statedly a Journalist, owner and publisher of a local newspaper 'Danurbhanam' in Vizianagaram. He is also allegedly a regular visitor to Sri Vimarsha Prakasa Visweshwara Swamywari Temple, Vizianagaram. The said temple owns land admeasuring 1243 square yards in survey No.1073/A situated at Kothapeta in Vizianagaram Town. The site was auctioned in 2002, during which, highest bid was Rs.470/-, per month. He alleges that the officials of Endowments Department did not take action for leasing out the land subsequently and left it vacant. Mr. M.Prasad, Executive Officer of the Temple, allegedly misused the temple property and sold the trees worth Rs.50,000/- to Rs.60,000/- without following the rules and misappropriated the proceeds for his use. The petitioner also alleges that the land admeasuring 1243 square yards was leased out to Pallavi Vidya Mandir School represented by S.Sekhar for a monthly rent of Rs.360/-, for being used as playground. The grievance of the petitioner is that the Executive Officer leased out the vacant site without conducting public auction and without obtaining approval of higher authorities. He allegedly sent a representation on 14.03.2006 to the Assistant Commissioner of Endowments, Vizianagaram and Commissioner of Endowments, Hyderabad, in vain. Therefore, he filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in not taking action for holding public auction to lease out the vacant site in survey No.1073/A, as illegal and arbitrary and for a direction to the respondents to pass appropriate

orders on the representation, dated 14.03.2006, made by the petitioner.

Respondents 1, 2 and 3 filed separate counter-affidavits. Various allegations made by the petitioner are denied. First respondent states that the vacant site was leased out for a period of three years from 01.01.2000 to 31.12.2002 by conducting auction in December, 1999, that the same was again put to public auction on 30.01.2003, but the same could not be finalised as it failed to fetch reasonable bid amount and again it was held on 17.05.2003 and one A.Srinivasa Rao quoted Rs.360/-, Y.Kanaka Raju quoted Rs.350/- and S.Sekhar quoted Rs.345/-, per month. Since first and second highest bidders did not show any interest, the then Executive Officer leased out the land to the third highest bidder Sri S.Sekhar, Principal of Pallavi Vidya Mandir, for a period of three years up to 30.06.2006, for being used as playground. All other allegations are denied. Mainly the allegation of the petitioner that he made representation to respondents 1 and 2 on 14.03.2006 is denied. First respondent specifically states in paragraph five of the counter-affidavit that he has verified the records in the office of the Assistant Commissioner and that no such representation is received from the petitioner, and that the office of the Commissioner also did not receive any such representation.

The petitioner has filed a reply-affidavit denying the averments made in the counter filed by the first respondent. While denying that he did not send any representation, the petitioner has enclosed a xerox copy of the postal acknowledgment in proof of allegation that he sent representation on 14.03.2006. A perusal of the postal acknowledgment would show that the same is dated 04.01.2006. When the petitioner allegedly sent representation on 14.03.2006, the acknowledgment, dated 04.01.2006, cannot be treated as a proof of sending of the representation. This finding would be sufficient to non-suit the petitioner. The petitioner appears to be busy body and meddlesome interloper unnecessarily interfering in the affairs of the temple administration for reasons best known to him. This Court is also of the considered opinion that there is certainly something, which does not meet the eye. In such matters, the Court has no other option, except to observe that the writ petition is vexatious and frivolous. The petitioner should, therefore, be mulcted with exemplary costs.

The Writ Petition, for above reasons, is dismissed with exemplary costs set at Rs.5,000/- (Rupees Five Thousand only). It shall be open to the third respondent to take necessary steps for recovering the costs.

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(V.V.S.RAO, J)

17.04.2007
GJ